

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RICKY BELL,

Plaintiff,

v.

Case No. 3:17-cv-01301-JPG-RJD

WEXFORD HEALTH SOURCES INC and  
RALPH JOHNNIE,

Defendant.

**MEMORANDUM AND ORDER**

**J. PHIL GILBERT, DISTRICT JUDGE**

Ricky Bell—a prisoner at Centralia Correctional Center—broke his tooth when he chomped down on some ice. A prison dentist removed the tooth nine days later, but Bell says that medical staff should have given him Tylenol or some other type of pain medication while he was waiting on the extraction. He also alleges that his pain was so bad that he could not eat or drink. For that, Bell sued the prison doctor and the doctor’s employer for a violation of the Eighth Amendment’s Cruel and Unusual Punishment Clause.

The problem for Bell, however, is he says that all he needed was a simple over-the-counter medication like Tylenol: available for purchase at the prison commissary. (ECF No. 56-1, 55:7–15.) First, a need for over-the-counter medicine like that is not enough to put a prison official on notice that the requester is suffering from a serious medical need under Eighth Amendment standards. *Olson v. Morgan*, 750 F.3d 708, 713–14 (7th Cir. 2014). Second, the prison commissary records in this case show that Bell did not attempt to buy Tylenol from the commissary during the week in question—but he did spend \$74.71 on Coke products, atomic fireballs, pickles, cheese spread, meats, donut sticks, tea bags, chips, coffee, sweet sprinkles, assorted candy bars, dryer

sheets, a bath towel, jogging shorts, soap, and a disposable razor. (ECF No. 56–4 at pp. 1, 3–4.) For those reasons, Magistrate Judge Daly issued a Report and Recommendation pursuant to Federal Rule of Civil Procedure 72(b)(3) advising this Court to grant the defendants’ motion for summary judgment. (ECF No. 73.) Bell filed an objection—triggering a *de novo* review from this Court, *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999)—but for the reasons above, Bell’s objection does not withstand scrutiny. The Court accordingly:

- **ADOPTS** the Report and Recommendation in its entirety (ECF No. 73);
- **GRANTS** the defendants’ motion for summary judgment (ECF No. 68);
- **DENIES** the plaintiff’s motion for summary judgment (ECF No. 47); and
- **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: JULY 11, 2019**

*s/ J. Phil Gilbert*  
**J. PHIL GILBERT**  
**U.S. DISTRICT JUDGE**